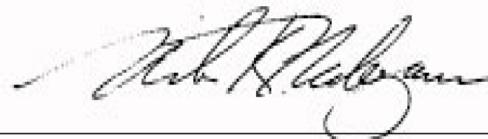


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Honorable Mike K. Nakagawa
United States Bankruptcy Judge



5 Entered on Docket
6 December 05, 2011

7 THE LAW OFFICES OF RANDOLPH H. GOLDBERG
8 RANDOLPH H. GOLDBERG, ESQ.
9 BAR NO. 5970
10 4000 S. Eastern Avenue, Suite 200
11 Las Vegas, NV 89119
12 (702) 735-1500
13 Fax: (702) 735-0505
14 Attorney for Debtor

15 UNITED STATES BANKRUPTCY COURT
16 FOR THE DISTRICT OF NEVADA

17 In re:

18 **TACHARA HUGHES**

19 Debtor(s).

20 Case No.: BK-S-11-20851-MKN
21 Chapter 13

22 Date: 11/21/2011
23 Time: 3:15 p.m.

24 **ORDER TO VALUE COLLATERAL; ORDER TO AVOID LIEN**

25 THIS MATTER having come before the Court for a hearing on **NOVEMBER 21,**
26 **2011**, on Debtor's MOTION TO VALUE COLLATERAL; MOTION TO AVOID LIEN, and
27 based upon the papers and pleadings on file herein, and good cause appearing; the Court finds as
28 follows:

- 29 1. The Debtor's principal residence located at **1920 BAYHURST AVE, LAS VEGAS,**
30 **NV 89031** (the "Subject Property") is valued at **\$110,000.00** as of the date of filing Debtor's
31 Chapter 13 Petition.

2. The Subject Property is collateral for senior secured claim of **BANK OF AMERICA HOME LOAN SERVICING** ("Senior Leinholder").

[Check only one box, and fill in the blanks]

Senior Lienholder has filed a Proof of Claim (7-1) related to such claim, and such Proof of Claim claims a debt of **\$190,287.48**. Senior Lienholder's Proof of Claim indicates that Senior Lienholder has assigned **BANK OF AMERICA HOME LOAN SERVICING** to this claim.

[or]

Senior Lienholder has *not* filed a Proof of Claim related to its claim, but has assigned to this claim. The Debtor's schedules list the amount of Senior Lienholder's claims as \$.

3. The Subject Property is also collateral for a junior secured claim of **BANK OF AMERICA HOME LOAN SERVICING** ("Junior Lienholder").

[Check only one box, and fill in the blanks]

Junior Lienholder has filed a Proof of Claim (NA) related to such claim, and such Proof of Claim claims a debt of \$. Junior Lienholder's Proof of Claim indicates that Junior Lienholder has assigned to this claim.

[or]

 Junior Lienholder has **not** filed a Proof of Claim related to its claim, but has assigned **BANK OF AMERICA HOME LOAN SERVICING** to this claim. The Debtor's schedules list the amount of Junior Lienholder's claims as **\$9,108.00**.

4. Given the above, Junior Lienholder's interest in the Debtor's interest in the Subject

1 Property has no value.

2 THEREFORE, IT IS HEREBY ORDERED THAT, pursuant to Zimmer v. PSB Lending
3 Corp. (In re Zimmer), 313 F. 3d 1220 (9th Cir. 2002), and 11 U.S.C. §§ 506(a) and 506(d), Junior
4 Lienholder's claim is unsecured, and shall be treated as unsecured for all purposes in this case,
5 including the manner in which such claim is treated and paid in Debtor's chapter 13 plan; and

6 IT IS FURTHER ORDERED THAT, should debtor receive a discharge in this case, Junior
7 Lienholder shall as soon as practicable thereafter take all necessary and appropriate steps to
8 remove its lien of record, and to ensure that Debtor's title to the Subject Property is clear of any
9 cloud on title related to Junior Lienholder's claim. This court hereby reserves jurisdiction with
10 respect to any dispute over the actions necessary to comply with this paragraph; and

11 IT IS FURTHER ORDERED THAT, should this case be converted to one under another
12 chapter, 11 U.S.C. § 348(f) shall govern the continued validity of this order; and

13 IT IS FURTHER ORDERED THAT, should this case be dismissed , 11 U.S.C. §
14 349(b)(1)-(3) shall govern the continuing validity of this order; and

15 IT IS FURTHER ORDERED THAT nothing in this order shall be deemed to be an
16 allowance or disallowance of any claim of Senior Lienholder or Junior Lienholder, and any party
17 in interest, including the Debtor or the Trustee, may hereafter object to either claim on any ground
18 recognized by the Bankruptcy Code.

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20 DATED this 21st day of NOV. 2011

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9 THE LAW OFFICES OF
10 RANDOLPH H. GOLDBERG

11 By /S/ RANDOLPH GOLDBERG ESQ.
12 RANDOLPH H. GOLDBERG, ESQ.
13 4000 S. Eastern
14 Suite 200
15 Las Vegas, Nevada 89119
16 Attorney for Debtor

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2 LR 9021. ENTRY OF JUDGEMENTS AND ORDERS

3 Pursuant to LR 1001®, the judges of the District of Nevada hereby
4 adopt this administrative order and amend the following local rules:

5 LR 9014 (g) is hereby amended to read as follows:

6 g) Compliance with LR 9021. In chapter 7 and 13 cases, LR
7 9021(b)(1) is waived if a proposed order is served with the
8 motion and the motion is granted. The proposed order must be
9 attached as an exhibit and may not be separately filed or
submitted for the judge's signature prior to the hearing. If
the proposed order is not served with the motion, or if the
order has been modified by the court or otherwise, the LR 9021
(b) (1) is applicable.

10 LR 9021® is hereby amended to read as follows:

11 1) Documents listed in subsection (a) above must be submitted to
12 the court with the following certification from the submitting
counsel:

13 In accordance with LR 9021, counsel submitting this document
14 certifies that the order accurately reflects the court's ruling
and that (check one):

15 _____ The court has waived the requirements
16 set forth in LR 9021 (b)(1).

17 _____ No party appeared at the hearing or
filed an objection to the motion.

18 _____ I have delivered a copy of this
19 proposed order to all counsel who
appeared at the hearing, and any unrepresented
20 parties who appeared at the hearing, and each has
approved or disapproved the order, or failed to
21 respond, as indicated below [list each party and
whether the party has approved, disapproved, or
failed to respond to the document]:

23 RICK A. YARNALL
24 701 BRIDGER AVENUE, #820
LAS VEGAS, NEVADA, 89101

25 _____ APPROVED

26 _____ DISAPPROVED

27 _____ FAILED TO RESPOND

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I certify that this is a case under Chapter 7 or 13,
that I have served a copy of this order with motion
pursuant to LR 9014(g), and that no party has objected
to the form or content of the order.

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- 2) No language other than "approved" or "disapproved" may appear above opposing counsel's signature; and
- 3) Unless the court orders otherwise, "opposing counsel" means any attorney who appeared at the hearing regarding the matter that is the subject of the order or who filed objections.
- 4) Variation from the certification language indicated in paragraph (c)(1) may be cause for returning the draft order unsigned by the court.

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